

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	NOEL NUNN,	Case No. 3:24-cv-00064-MMD-CLB
4	Plaintiff	ORDER
5	v.	
6	SPECIAL PUBLIC DEFENDERS OFFICE,	
7	Defendant	
8		

9 **I. DISCUSSION**

10 On February 7, 2024, Plaintiff, an inmate in the custody of the Nevada Department
11 of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF
12 No. 1-1). Plaintiff did not include an application to proceed *in forma pauperis* or pay the
13 filing fee.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
16 action without prepaying the full \$405 filing fee. To apply for *in forma pauperis* status, the
17 inmate must submit all three of the following documents to the Court:

- 18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this
19 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on
20 page 3),
21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
22 official (i.e. page 4 of this Court’s approved form), and
23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
24 **previous six-month period**.

25 Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis*
26 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant
27 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*
28 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete

1 application to proceed *in forma pauperis* on or before **Friday, March 8, 2024**. Absent
2 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff
3 does not file a fully complete application to proceed *in forma pauperis* with all three
4 required documents on or before **Friday, March 8, 2024**, this case will be subject to
5 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is
6 able to acquire all three of the documents needed to file a fully complete application to
7 proceed *in forma pauperis* or pays the full \$405 filing fee.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the
9 case with the Court, under a new case number, when Plaintiff has all three documents
10 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
11 may choose not to file an application to proceed *in forma pauperis* and instead pay the
12 full filing fee of \$405 on or before **Friday, March 8, 2024** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court
14 will not file the complaint unless and until Plaintiff timely files a fully complete application
15 to proceed *in forma pauperis* with all three documents or pays the full \$405 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
18 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
19 application to proceed *in forma pauperis* with all three documents.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
21 approved form application to proceed *in forma pauperis* by an inmate, as well as the
22 document entitled information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **Friday, March 8, 2024**, Plaintiff will
24 either pay the full \$405 filing fee for a civil action (which includes the \$350 filing fee and
25 the \$55 administrative fee) or file with the Court:

26 (1) a completed Application to Proceed in Forma Pauperis for Inmate on this
27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
28 signatures on page 3),

1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
2 official (i.e. page 4 of this Court's approved form), and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
4 **previous six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
6 application to proceed *in forma pauperis* with all three documents or pay the full \$405
7 filing fee for a civil action on or before **Friday, March 8, 2024**, this case will be subject to
8 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
9 number, when Plaintiff has all three documents needed to file a complete application to
10 proceed *in forma pauperis* or pays the the full \$405 filing fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
12 (ECF No. 1-1) but will not file it at this time.

13 DATED: February 8, 2024.

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17 UNITED STATES MAGISTRATE JUDGE

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